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09 462,695	01 12 2000	John B. Matthew		5411

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Patrick J Walsh
400 Main Street
Stamford, CT 06901

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 12 19 2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,695

Applicant(s)

MATTHEW ET AL.

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 and 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately disclose how the spacers and strips are "metallurgically bonded" to one another.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, 3, and 11, it is unclear as to what slot width "very fine slots of selected width" imply.

Regarding claims 1, 3, 4, 6, and 11, it is unclear as to what tolerance "approximately" implies.

Concerning claims 1, 3-6, and 11, "the/their" intercontacting surfaces" lack antecedent basis.

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Regarding claim 8, it is unclear as to what arrangement "separataed" implies.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Gruiten et al.

With respect to claim 3, Gruiten et al disclose a screen plate having slots including a plurality of elongate strips 6 having side edges (see FIG.4), a plurality of spacers 1 having a thickness approximately equal to the width of the slots, the spacers having a width approximately equal to the width of the strips (FIG.4), the spacers being arranged alternately in a stack. The limitations to the cross bars of the spacers fail to carry patentable weight since the cross bars are trimmed off and are not a permanent part of the screen plate.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruiten et al in view of Connolly.

Gruiten et al fail to specify the side edges of the strips as being beveled. Connolly discloses an analogous screen plate including strips 11 having side edges 7 that are beveled and suggests that such a structure facilitates the separation of solids from a slurry. It would have been obvious to have modified the screen of Gruiten et al so as to have included beveled side edges as suggested by Connolly in order to facilitate the separation of solids from a slurry.

Claims 1, 6, 7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruiten et al.

With respect to claim 1, Gruiten et al disclose a screen plate having slots including a plurality of elongate strips 6 having side edges (see FIG.4), a plurality of spacers 1 having a thickness approximately equal to the width of the slots, the spacers having a width approximately equal to the width of the strips (FIG.4) and a length less than four times the width of the spacers (FIG.4), the spacers being separated from each other (FIG.4), the intercontacting surfaces being metallurgically bonded (FIG.4). Gruiten et al fail to specify the limitation of the spacers being separated from each other at intervals approximately two to twenty times the length of the spacer, however, such a modification would have been obvious in order to optimize the open area and strength of the screen for a particular application.

With respect to claim 6, Gruiten et al disclose a screen cylinder having slots including a plurality of elongate strips 6 having side edges (see FIGS. 4, 7, and 8), a plurality of spacers 1 having a thickness approximately equal to the width of the slots, the spacers having a width approximately equal to the width of the strips (FIG.4) and a length less than four times the width of the spacers (FIG.4), the spacers being separated from each other (FIG.4), the intercontacting surfaces being metallurgically bonded (FIG.4). Gruiten et al fail to specify the limitation of the spacers being separated from each other at intervals approximately two to twenty times the length of the spacer, however, such a modification would have been obvious in order to optimize the open area and the strength of the screen for a particular application.

Concerning claim 7, Gruiten et al disclose profile bars 11, 12 forming part of the cylinder side wall (see FIGS. 10 and 11).

With respect to claim 9, Gruiten et al disclose a plurality of strips 6 separated by spacers 1 to define slots of uniform width between the strips, the spacers having uniform length. Gruiten et al fail to specify the ratio of slot length to spacer length, being 2-10:1, however, such a modification would have been obvious in order to optimize the open area and the strength of the screen for a particular application.

With respect to claim 10, Gruiten et al disclose a plurality of strips 6 separated by spacers 1 to define slots of uniform width. Gruiten et al fail to specify the slots as having a width of .005 inches or less and a length of 3 inches or less and the slots forming at least 15% of the open area of the screen plate, however, such modifications would have

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been obvious to optimize the open area and strength of the screen for a particular application.

With respect to claim 11, Gruiten et al disclose a screen plate having slots including a plurality of elongate strips 6 having side edges (see FIG.4), a plurality of spacers 1 having a thickness approximately equal to the width of the slots, the spacers having a width approximately equal to the width of the strips (FIG.4) and a length less than four times the width of the spacers (FIG.4), the spacers being separated from each other (FIG.4), the intercontacting surfaces being metallurgically bonded (FIG.4). Gruiten et al fail to specify the limitation of the spacers being separated from each other at intervals approximately two to ten times the length of the spacer, however, such a modification would have been obvious in order to optimize the open area and strength of the screen for a particular application.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruiten et al in view of Malm.

Gruiten et al fail to specify sections separated by profile bars. Malm discloses an analogous screen including sections separated by profile bars 15 and suggests that such an arrangement increases fluidization of a fiber suspension therefore improving the separation efficiency of the screen. It would have been obvious to have modified the apparatus of Gruiten et al so as to have included profile bars as suggested by Malm in order to improve the separation efficiency of the screen.

Claims 4 and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action.

Gruiten et al is considered the closest prior art with respect to claims 4 and 5, however, Gruiten et al fail to specify the limitation of the spacers having open areas through the surface with the open areas being wider than the strips, and the step of trimming away the portion of the spacers extending past the side edges of the strips as recited in claims 4 and 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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M Savage

Matthew O Savage

Primary Examiner

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December 10, 2001